

INTERLOCAL AGREEMENT FOR TALLAHASSEE-LEON COUNTY AND LEON COUNTY SCHOOLS PUBLIC SCHOOL FACILITY PLANNING

This agreement is entered into between the Tallahassee City Commission (hereinafter referred to as "City"), the Leon County Commission (hereinafter referred to as "County" and the School Board of Leon County (hereinafter referred to as "School Board").

WHEREAS, the City, County and the School Board recognize their mutual obligation and responsibility for the education, nurture and general well-being of the children of Leon County; and

WHEREAS, the City, County and School Board recognize the benefits that will flow to the citizens and students of their community by more closely coordinating their comprehensive land use and school facilities planning programs: namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the School Board and local governments by the placement of schools to take advantage of existing and planned roads, water, sewer, parks and drainage systems, (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments, (4) the location and design of schools so that they serve as community focal points, (5) the location and design of schools with parks, ballfields, libraries, and other community facilities to take advantage of joint use opportunities, and (6) the location of new schools and expansion and rehabilitation of existing schools so as to reduce pressures contributing to urban sprawl and support existing neighborhoods; and

WHEREAS, Section 1013.33, Florida Statutes, requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate governing body; and

WHEREAS, Sections 163.3177(6)(h)1 and 2, Florida Statutes, requires each local government to adopt an intergovernmental coordination element as part of their comprehensive plan that states principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school board, and describe the processes for collaborative planning and decision making on population projections and public school siting; and

WHEREAS, Section 163.3177(6)(h)2, Florida Statutes, further requires each county, all the municipalities within that county, and the district school board to establish by interlocal or other formal agreement executed by all affected entities, the joint processes described above consistent with their adopted intergovernmental coordination element; and

WHEREAS, the City, the County and the School Board enter into this agreement in fulfillment of that statutory requirement and in recognition of the benefits accruing to their citizens and students described above; and

WHEREAS, the City, the County and the School Board have mutually agreed that coordination of school facility planning and comprehensive land use planning is in the best interest of the citizens of Leon County; and

WHEREAS, the City has jurisdiction for land use and growth management decisions within its boundary and the County has similar jurisdiction for land use and growth management decisions within its unincorporated boundary, and

WHEREAS, the School Board has the responsibility to provide school facilities to insure a free and adequate public education to the residents of Leon County, and

WHEREAS, the City, the County and the School Board agree that they can better fulfill their respective responsibilities by working in close cooperation to insure that adequate public school facilities are available for the residents of Leon County, and

WHEREAS, the parties are authorized to enter into this interlocal agreement pursuant to Section 163.01, Section 163.3177(6)(h)2, and Section 1013.33, Florida Statutes.

NOW THEREFORE, be it mutually agreed between the Tallahassee City Commission, the Leon County Commission and the Leon County School Board that the following procedures will be utilized to better coordinate public school facilities planning and land use planning:

Section 1 – Joint Meetings

- 1.1 Staff working groups from the Tallahassee-Leon County Planning Department (TLCPD) and School Board will meet on an as needed basis, but no less frequently than once per year, to formulate recommendations and discuss issues regarding coordination of land use and school facility planning, including such issues as population and student enrollment projections, development trends, transportation, school needs, collocation and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. The TLCPD Director, or designee, and School Board Superintendent, or designee, will be jointly responsible for making meeting arrangements and providing notification.
- 1.2 The City, the County and the School Board will meet at least once every year in a joint workshop session. The joint workshop session will provide the opportunity for the City, the County, and the School Board to set direction, discuss issues and reach understandings regarding issues of mutual concern such as coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The TLCPD Director, or designee, and School Board Superintendent, or designee, will be jointly responsible for making meeting arrangements and providing notification.

Section 2 – Student Enrollment and Population Projections

- 2.1 In fulfillment of their respective planning duties, the City, the County, and the School Board agree to coordinate their plans upon the same projections of the amount, type, and distribution of population growth and student enrollment. Five-year population and student enrollment projections shall be revised annually to

ensure that new residential development and redevelopment information provided by the City and County are reflected in the updated projections.

- 2.2 The School Board shall utilize the Department of Education (DOE) five-year county-wide student enrollment projections. The School Board may request that the DOE projections be adjusted to reflect actual enrollment and development trends not anticipated by the DOE projections. In formulating such a request, the School Board will coordinate with the City and County regarding future population projections and growth.
- 2.3. The City, working with the County, will use information on growth and development trends for municipal and unincorporated areas, such as census information on population and housing characteristics, persons-per-household figures, historic and projected growth rates, and the information described below in Section 3.2, to project residential units by type for five years (single family, multi-family and mobile home) and allocate these units into sub-county planning sectors, such as traffic analysis zones and census tracts, so that the countywide projections are not exceeded. These planning divisions will be established by mutual consent of the School Board and TLCPD. The allocation of residential units by type and planning divisions will be provided to the School Board by April 1 of each year.
- 2.4. The School Board will evaluate the planning division projections prepared by the TLCPD. The School Board, working with the TLCPD, will develop and apply student generation multipliers for residential units by type for schools of each type, taking into consideration past trends in student enrollment within specific planning divisions in order to project student enrollment. The school enrollment projections will be included in the educational facilities report provided to the City and County each year as specified in Section 3.1 below.
- 2.5 Coordination regarding the update of the Leon County population projections, their allocation into planning sectors, and conversion into projected student enrollment will occur on an annual basis at the staff working group meeting described in Section 1.1 above. The revised projections and the variables utilized in making the projections will be reviewed prior to the staff working group meeting and discussed by all parties at the staff meeting.

Section 3. Coordinating and Sharing of Information

- 3.1 District Educational Facilities Report and Plan. By December 1 of each year, the School Board shall submit to the City and the County, the educational facilities report and plan. The plan will be consistent with the requirements of Section 1013.35, F.S. The report will contain information detailing existing and projected school enrollment, an inventory of existing educational facilities, their locations, information on the relocatables in use at each school, and projected space needs. The report will also contain the School Board's capital improvement plan, including planned facilities with funding over the next five (5) years, and the educational facilities representing the district's unmet need. The report will provide data for each individual school concerning school capacity based on Department of Education criteria and enrollment of each individual school based on actual counts. The report will show the generalized locations in which new schools will be needed and planned renovations, expansions and closures of existing schools. The report will indicate properties the School Board has already acquired through developer donation, or properties on which there is a developer obligation to provide the School Board, at the School Board's discretion, or properties acquired through other means that are potential school sites. The City and County shall review the plan and comment to the School Board within 30 days on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment, the matter shall be resolved pursuant to Section 10 of this agreement.
- 3.2 Educational Plant Survey. At least one year prior to preparation of the Educational Plant Survey update, the staff working group established in subsection 1.1 will assist the School Board in an advisory capacity in the preparation of the update. The Educational Plant Survey shall be consistent with the requirements of Section 1013.31, F.S., and include at least an inventory of existing educational facilities, recommendations for new and existing facilities, and the general location of each in coordination with the land use plan. The staff working group will evaluate and make recommendations regarding the location and need for new, significant renovation or expansion, and closures of educational facilities, and the consistency of such plans with the local government comprehensive plan and relevant issues listed in subsections 4.2, 6.6, 6.7, and 8.1 of this agreement.
- 3.3 Growth and Development Trends. On April 1 of each year the City and County will provide the School Board with 5-year projections of dwelling units, by type, for the agreed geographic regions within the County. The first set of these projections shall take place following the next update of the Tallahassee-Leon County Long Range Transportation Plan.

- 3.4 Student and Transportation Safety. Student and transportation safety shall be a major consideration at all School Board operated facilities and shall be an essential part of operation, renovation, expansion and future development. A joint committee made up of School Board members and/or district staff with appropriate Tallahassee Police Department, Leon County Sheriff Department, Tallahassee Fire Department, Juvenile Justice, other law enforcement officials, and community representatives shall be established to review the issue of school safety. This committee will have authority to make specific recommendations to the School Board, City or County Commissions, or other governmental agencies to enhance safety in and around district school facilities.
- 3.5 School Board facilities shall be made available at no cost to the City or County, when scheduling and school utilization permits, for public meetings related to land use, transportation planning, community improvement and other related topics. The City and County shall make available at no cost to the School Board, maps, GIS and other data related to school sites, attendance zones, and land use.

Section 4. School Site Selection

- 4.1 The School Board will establish a Site Selection Advisory Committee for the purpose of reviewing potential sites for new schools and proposals for closure of existing schools, and making suggested recommendations to the Superintendent and the School Board. The Site Selection Advisory Committee will be a standing committee and will meet on an as needed basis. The membership will include appropriate members of the school district staff, one member each from the TLC PD, City Growth Management, and Leon County Growth and Environmental Management. The committee membership may also include representatives from the Sheriff and/or Police Department as needed. The committee membership will be expanded as needed to include representation from the subdivision/community in or near where a school is proposed. When the need for a new school is identified by the Superintendent/School Board, the school district staff will provide to the Site Selection Advisory Committee information pertaining to the type of proposed school or facility, acreage required, geographic boundaries of the area of need, and a listing of activities to occur on the site. The Site Selection Advisory Committee will request from the TLC PD a list of potential sites in the area of need targeted in the Education Plant Survey. The committee will review the potential sites and may add to or reduce the list of potential sites. The committee will submit to the TLC PD a list of sites for an informal assessment regarding consistency with the comprehensive plan.

4.2 This assessment or general overview shall address the following:

- (a) environmental features,
- (b) transportation and pedestrian access,
- (c) availability of infrastructure and services,
- (d) safety concerns,
- (e) land use compatibility,
- (f) special planning areas, such as sector plans, the Southern Strategy Area, planned unit developments, etc.,
- (g) community vision,
- (h) other pertinent issues such as special programs or student assignment that have a bearing on site suitability

The TLCPD will prepare the assessment(s) from existing data. The Site Selection Advisory Committee will review the assessments and any other relevant information. The Site Selection Advisory Committee and the TLCPD will also consider the issues identified in Section 4.2 based on available information as each potential site and each proposed school for expansion is evaluated. Based on the information gathered during this review, the Site Selection Committee will make a recommendation to the Superintendent and School Board, of one or more sites in order of preference.

4.2 The following issues will be considered by the Site Selection Advisory Committee, the TLCPD, the Superintendent and School Board when evaluating potential school sites or expansion or rebuilding of existing schools:

- a. The location of school sites that will provide logical focal points for community activities such as the community facilities itemized in section 8.1 below and serve as the cornerstone for innovative urban design standards, including opportunities for shared use and collocation of community facilities.
- b. The location of new schools with dual access points and within reasonable walking and/or bicycle distance of primary residential dwelling units served by the schools, as practicable under the student assignment program.
- c. The location of new elementary and middle schools within the Urban Services Area or designated Rural Communities proximate to residential neighborhoods, and not located adjacent to limited access or major arterial roads, nor shall they have direct access from limited access, arterial or local roads.
- d. The location of new high schools or adult-vocational schools on the periphery of residential neighborhoods, inside the Urban Services Area and not located adjacent to limited access or major arterial roads, nor shall they have direct access from limited access, major arterial or local roads.

- e. Compatibility of the school site with present and projected uses of adjacent property.
 - f. Encouraging community redevelopment and revitalization and efficient use of existing infrastructure and discouraging urban sprawl.
 - g. Site acquisition and development cost.
 - h. Safe access to and from the school site by pedestrians and vehicles, to include sidewalks, crosswalks, bike lanes, access road, traffic calming, signage, etc. where necessary.
 - i. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impact of schools.
 - j. Environmental constraints that would preclude development of a public school on the site or cannot be mitigated.
 - k. Adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
 - l. The proposed site is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
 - m. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
 - n. Whether the proposed location is within a flood zone, a floodway, special development zone, or Lake Protection future land use district as delineated in the comprehensive plan.
 - o. The proposed site can accommodate the required parking, circulation and queuing of vehicles onsite.
 - p. Whether the proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport or in heavy industrial areas.
- 4.3 City and County law enforcement and fire department officials shall review all proposed school facility sites and architectural plans for the expansion of current school facilities and the construction of new schools and provide recommendations for safety design or improvements.

- 4.4 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, or initiating the expansion of an existing school, the School Board shall provide written notice of the acquisition to the TLCPD. The TLCPD, upon receipt of the notice, shall notify the School Board within 45 days if the proposed new school site or the proposed expansion of an existing school is consistent with the land use categories and policies of the comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to sections 1013.33 and 1013.34, F.S.
- 4.5 Following a finding of comprehensive plan consistency, the School Board staff shall within 15 days file an application for a Land Use Compliance Certificate with the City Land Use Administrator if the potential site or the school proposed for expansion is within the City, or for a Permitted Use Verification with the County Administrator or his designee if the potential site or school proposed for expansion is located in the unincorporated area. The City Land Use Administrator or County Administrator or his designee shall have 15 days to issue the Land Use Compliance Certificate or Permitted Use Verification, or provide a response explaining why the application for the certificate was denied.

Section 5. Supporting Infrastructure

- 5.1 In conjunction with the preliminary assessment described in Section 4.2 of this agreement, the School Board and affected local governments will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or proposed expansion or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

Section 6. Local Planning Agency, Comprehensive Plan Amendments, Rezonings, and Development Approvals

- 6.1. The School Board will be afforded full voting membership on the Metropolitan Planning Organization and Planning Commission. The City and County will include a representative appointed by the School Board on the local planning agencies, or equivalent agencies, to attend those meetings at which the agencies consider comprehensive plan amendments and rezonings that would, if approved, increase residential density or otherwise have negative impact on the schools and/or students. The City and County may, at their discretion, grant voting status to the School Board representative.
- 6.2. The School Board will receive agendas and/or support materials from both City and County agencies regarding Comprehensive Planning, Transportation, Growth Management, etc., and will review and comment as appropriate.

- 6.3. The City and County will provide the School Board notification of land use applications and development proposals pending before them that may affect student enrollment, enrollment projections, transportation, safety, or school facilities. Such notice will be provided at least 14 days prior to approval of the application when the review time frames allow such notice. In those cases where the review process is less than 14 days, the School Board staff will receive notice at the same time as other City/County staff. This notice requirement applies to amendments to the comprehensive plan future land use map, rezonings, developments of regional impact, and other major residential or mixed-use development projects. Support material will be provided to the School Board staff on request.
- 6.4. After notification by the local government, the School Board will advise the local government of the school enrollment impacts anticipated to result from the proposed land use application or development proposal, and whether sufficient capacity exists or is planned to accommodate the impacts. School capacity will be reported consistent with Department of Education criteria.
- 6.5. Based on the Department of Education definition of adequate capacity, if adequate capacity is not available or planned to serve the development at the time of impact, the School Board shall specify how it proposes to meet the anticipated student enrollment demand; alternatively, the School Board, local government, and developer may collaborate to find means to ensure sufficient capacity will exist to accommodate the development, such as, developer contributions, project phasing, required facility improvements, etc.
- 6.6. The City and County will consider recommendations of the School Board or School Board staff on the following issues, prior to taking final actions on rezoning requests, comprehensive plan amendments, and development proposals:
- a. Providing school sites and facilities within planned neighborhoods.
 - b. Insuring the compatibility of land uses and infrastructure adjacent to existing schools and reserved school sites.
 - c. The collocation of parks, recreation and community facilities with school sites.
 - d. The linkage of schools, parks, libraries and other public facilities with bikeways, trails and sidewalks.
 - e. Insuring the development of traffic circulation plans to serve schools and surrounding neighborhood(s).
 - f. Providing offsite signalization, signage, access improvements and sidewalks to serve all schools.
 - g. The inclusion of school bus stops and turnarounds in new developments.
 - h. School Board comments on comprehensive plan amendments and other land use decisions.
 - i. Available school capacity or planned improvements to increase school capacity.

- 6.7 In formulating community development plans and programs, the City and the County will consider the following issues:
- a. Targeting community development improvements in older and distressed neighborhoods near schools.
 - b. Giving priority to scheduling City and County programs and capital improvements that are coordinated with and meet the capital needs identified in the School Board's school facilities plan.
 - c. Recognizing developments or property owners who provide incentives including, but not limited to, donation of site(s), reservation or sale of school sites at predevelopment prices, construction of new facilities or renovation to existing facilities, and providing transportation alternatives.

Section 7. Educational Plant Survey and Five-Year District Facilities Work Program

- 7.1 The School Board will provide the proposed annual update of the five-year district facilities work plan to each local government for review and comment for consistency with the local government comprehensive plan prior to adoption. Local governments may provide written comments to the School Board following receipt of the proposed work program.

Section 8. Collocation and Shared Use

- 8.1 Collocation and shared use of facilities are important to both the School Board and local governments. The School Board will look for opportunities to collocate and share use of school facilities and civic facilities when preparing the Educational School Plant Survey. Likewise, collocation and share use opportunities will be considered by local governments when preparing the annual update to their comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities. For example, opportunities for collocation and shared use will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums. In addition, where applicable, collocation and shared use of school and governmental facilities for health care and social services will be considered.
- 8.2 A separate agreement will be developed for each instance of collocation and shared use that addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision.

Section 9. Oversight Process

- 9.1 The School Board, the City, and the County shall each appoint a citizen member to serve on an oversight committee to monitor implementation of the interlocal agreement. Committee members shall be invited to attend all meetings referenced in Sections 1 and 4 and shall receive copies of all reports and documents produced pursuant to this interlocal agreement. The committee shall appoint a chairperson, meet at least annually, and report to participating local governments, the School Board and the general public on the effectiveness with which the interlocal agreement is being implemented.

Section 10. Resolution of Disputes

- 10.1 If the parties to this agreement are unable to resolve any issue in which they may be in disagreement covered in this agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures in Chapters 164 and 186, Florida Statutes.

Section 11. Amendment and Termination of Agreement

- 11.1 Any party may elect to withdraw from participation in this agreement upon official action of its governing body and after 30 days written notice to all other parties to this agreement.

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of the City of Tallahassee, Leon County, and the School Board of Leon County on this ____ day of _____, 2003. This agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument and be the agreement between the parties.

Chairman, School Board of Leon County

CITY OF TALLAHASSEE, FLORIDA

John Marks, Mayor

ATTEST:

APPROVED AS TO FORM:

Gary Herndon, Treasurer-Clerk

James R. English, City Attorney

LEON COUNTY, FLORIDA

Tony Grippa, Chairman

ATTEST:
Bob Inzer, Clerk of the Court

By: _____

APPROVED AS TO FORM:
County Attorney's Office
Leon County, Florida

By: _____
Herbert W. A. Thiele, Esq.
County Attorney